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REPORT ON STATE SUPERVISION OF DEGREE-CONFERRING INSTITUTIONS¹

THE committee appointed to consider the question of possible legislation regulating the granting of academic degrees, submit the following report: The committee was appointed at a meeting of the association held in Chicago, April 4, 1896. (See Proceedings for 1896, p. 49.)

President Angell, who was made chairman of the committee, was unable to meet with it a year ago, and during the present year has been absent from the country, having been accredited as minister from the United States to Turkey. The committee greatly regrets that it has been deprived of his assistance and counsel respecting the important question submitted to it.

At the meeting last year, held on February 13, an informal report was submitted for the committee, the report being confined, however, to a statement of the existing law as to the incorporation and powers of educational institutions in the states represented in the association. (See Proceedings for 1897, p. 121.) The committee was continued and instructed to report at this meeting.

The agitation thus initiated with a view of securing legislation in favor of state control over academic degrees in the states represented in the association, has led to a consideration of the general subject in other educational bodies. At the meeting of the National Educational Association held in Milwaukee last year, the subject was discussed in the department of higher education and the following resolution was unanimously adopted:

Resolved, That the state should exercise supervision over degree-conferring institutions through some properly constituted tribunal having power to fix a minimum standard of requirements for admission to, or graduation from, such institutions, and with the right to deprive of the degree-conferring power such institutions not conforming to the standard so prescribed. (Proceedings of N. E. A., 1897, p. 700.)

The Section on Legal Education, of the American Bar Association,

¹ Presented to the North Central Association of Colleges and Preparatory Schools, April 1, 1898, by President Henry Wade Rogers, Northwestern University.

at a meeting held at Cleveland, Ohio, in August, 1897, unanimously adopted the following resolutions :

Resolved, That the Section of Legal Education recommends the American Bar Association to adopt the following resolution :

Resolved, That the American Bar Association disapproves the policy which now generally prevails in the several states and which makes it possible for persons to organize law schools and confer degrees without reference to the length of course of study or the qualifications required for admission and graduation of students, and that this association believes that the degree-conferring power should be subject to strict state supervision to be exercised in a manner somewhat similar to that which is exercised by the regents of the University of New York ; and,

Resolved further, That this association emphatically disapproves of the conferring by law schools of the Ph.D. degree, or any other than the strictly law degree.

Mr. Freeman, the English historian and Oxford professor, has said that a degree ought to be something like knighthood in old times, a badge of scholarship which should enable a man to take his place among scholars in any land to which he may come. The conditions under which degrees are conferred in the United States are such, that a degree in this country signifies not much of anything unless it is known from what institution it came. That it ought to be a badge of scholarship, and that it is not because of the state of our laws, is the reason why this committee was appointed.

The following extract, taken from an address delivered last year by one of the members of the committee¹ at the meeting of the National Educational Association, is incorporated in this report :

In this country it is usual to provide in the state constitutions that the legislatures shall pass no special act conferring corporate powers, but shall provide by general laws for the organization of corporations. The practice is, therefore, to enact a general law which commonly provides that any three or five persons may be incorporated as a college or university, on filing in the proper office, a certificate stating the name, object, number of trustees, and place of location of the institution, and that it shall have power to grant such literary honors and degrees as are usually conferred by such institutions. In some states the degree power is granted without any restrictions, while in a few instances, as in Michigan and Minnesota, it is given, provided "the course of study to be pursued in such institutions is in all respects as thorough and comprehensive as is usually pursued in similar institutions of the

¹ The address of President Rogers.

United States." This last provision is very well in theory, but in practice does not always afford that protection against abuses which it was intended to secure.

Under laws like these, institutions are incorporated as colleges and universities that are without endowment, and in not a few instances are permitted to confer degrees, although the conditions prescribed for graduation are not higher than those prescribed for admission by institutions of high rank. Institutions whose total endowment is not equal to the necessities of an academy of the first rank, presume to confer the doctorate of philosophy on non-resident students, and have more candidates enrolled for that degree than they have college students in actual attendance.

* * * * *

The causes of professional and of academic education both suffer from the want of adequate state supervision. Professional schools have been established, generally in the large cities, which are governed by purely commercial standards. We have in this country schools of law, medicine, dentistry, and pharmacy, that appear to be organized and conducted for the purpose of making money. They are stock corporations, the stock being generally held by members of the teaching force, the teachers being chosen, not for their fitness for any particular chair, but because of their willingness and ability to put up the money that is needed. The shorter the course of study, the cheaper the class of teachers; the less expended for books and apparatus, and the easier it is made to be admitted and graduated, the greater the number of students becomes and the larger the amount of dividends paid. Men who make merchandise of professional education have low professional and scholastic ideas. They are inclined to receive all students who apply for admission, without regard to their previous preparation or their moral character. They allow the students thus admitted to continue in their school without being concerned greatly as to the manner in which they apply themselves to study. They graduate them after an attendance for the allotted period, without scrutinizing too closely the extent of their ignorance, and confer upon them a degree which in theory is supposed to stand for high attainments. This sort of thing, impossible in Europe, should be made impossible in America. Such a condition of affairs is demoralizing beyond question. The tendency of it is all in the direction of low standards. It destroys the value of degrees. It imposes on the public a class of educational charlatans, and works injury to the students whom it falsely pretends to educate. It multiplies the difficulties in the way of those institutions that are endeavoring to do their work according to the highest standards. A faculty of law, or medicine, or dentistry, or pharmacy, that is conducting a school on any such basis as that ascribed, ought not to have authority to confer degrees. There should be no hesitancy in declaring that the interests of education, and there-

fore the interests of the public, require that when the state does not exercise a power of supervision and does not establish a minimum standard of admission and graduation, it should withhold from every stock company the power of conferring degrees.

The committee desires to endorse the views above expressed, and to state the conviction that the time has come in America when the *laissez faire* policy which is responsible for the existing abuses that characterize our educational affairs should be abandoned.

In this connection your attention is directed to the law of New York, and to that of Pennsylvania, on the subject under consideration :

These states have set an example which ought to be followed by other American states. The legislature of New York, at its first session after the close of the Revolutionary War, created the University of New York, and placed the same in the control of a board of regents, composed of men of the highest character and distinction. The University of New York is not a teaching body. It includes and has supervision over all the colleges and academies of the state, although each has its own board of trustees for the management of its individual affairs. The regents of the University of New York are elected by the legislature of the state, and no person can be at the same time a regent of the university and a trustee or officer of any one of the colleges or academies of the state. The laws of New York confer upon the regents authority to incorporate universities, colleges, academies, and other educational institutions, with such powers and subject to such limitations and restrictions "as the regents may prescribe in conformity to law." They are also given the right, for sufficient cause, to suspend or revoke the charter of any educational institution. Under a law passed in 1892 it is provided that—

"No institution shall be given power to confer degrees in this state unless it shall have resources of at least \$500,000; and no institution for higher education shall be incorporated without suitable provision, approved by the regents, for buildings, furniture, educational equipment, and proper maintenance."

Under the ordinances of the university it has, however, been provided that "if the regents are satisfied that public interests will be promoted by such incorporation, that suitable provision has been made for buildings, furniture, educational equipment, and proper maintenance, and that the institution has resources of at least \$100,000 if it is a college, \$50,000 if an academy," then a charter may be issued to it. But institutions incorporated under this provision are not given degree-conferring-powers.

The state of Pennsylvania has recently followed the example of her sister state. In 1895 the legislature of that commonwealth passed an act creating

a college and university council and conferred upon it full authority to decide upon the advisability of chartering new institutions. No institution can now be chartered in that state with power to confer degrees unless its assets amount to \$500,000 for the exclusive purpose of promoting instruction, and unless the faculty consists of at least six regular professors, who devote all their time to the instruction of its college or university classes. The council has adopted uniform entrance requirements, which are obligatory as a minimum on all the collegiate institutions of the state. And no baccalaureate degree in arts, science, philosophy, or literature can now be conferred by any institution in the state on any student who has not completed a college or university course covering four years.

The committee desires to condemn with the utmost severity a state of the laws which makes possible the existence of such an institution as the National University of Chicago, whose proceedings have been denounced in the British Parliament, and in the press of the United States. In like manner the committee condemns a condition that makes it possible for a law school to confer the purely academic degree of Ph.D, or for an agricultural college to give the degree of D.D.—things as utterly improper as it would be for a veterinary college to assume to confer the degree of Bachelor of Arts. The state of the law on this subject brings reproach upon our educational system, and is highly discreditable. The value of our academic degrees is greatly impaired both at home and abroad by the total lack of any supervision by the state over our degree-conferring institutions, and which makes it possible for institutions doing preparatory work to confer the highest academic degrees. The time has come when this condition of affairs should be brought to an end, and when an appeal should be made to our legislative bodies to reform the laws in a manner that will make impossible the longer continuance of the abuses which now exist.

The committee does not believe that any valid objection can be made against the constitutionality of the legislation which it is about to recommend. The legislation proposed does not involve the principle that legislative power cannot be delegated. A legislature does not delegate legislative power when it passes a general law providing that a certain number of individuals may incorporate an educational institution, and exercise the degree-conferring power. The question whether the individuals who so incorporate shall or shall not confer degrees is left to the individuals themselves to decide. In deciding

that question for themselves no one would for a moment suppose that they were engaged in an act of legislation. In the same way the legislature may create an educational commission and confer upon it the right to determine the question which is, under existing legislation, left to the decision of the incorporators of educational institutions. "Cannot the legislature," asks the New York Court of Appeals, "confer upon a commission the power, upon the application of individuals, to make the same determination for the individuals which they could make for themselves?" The question thus asked was answered by the court in the affirmative. This is the very principle that is involved in the legislation proposed by the committee.

The committee submits the following recommendations.

1. That in each state represented in the association an effort be made at the earliest opportunity to establish by law a body to be known as "The Educational Commission of _____" (inserting the name of the state).
2. That the commission be composed of not less than six members nor more than nine.
3. That the members of the commission be appointed by the governor and confirmed by the senate. That no person be eligible to appointment on the commission who is a member of the faculty, or board of trustees, or other governing body, of any educational institution within the state. And that membership in the commission be forfeited *ipso facto* if at any time subsequent to the appointment aforesaid the person so appointed becomes connected with any educational institution in the manner above mentioned.
4. That the members of the commission hold office for a period of not less than six years. And that the term of office be so arranged that not more than one third shall retire in any one year.
5. That institutions hereafter incorporated shall derive the degree-conferring power from the commission, and not otherwise. That institutions heretofore incorporated and which now possess the degree-conferring power, may continue to exercise the same unless deprived of the right so to do by the commission on the ground that the institution affected falls below the standard which the commission has established.
6. That the commission shall not grant the degree-conferring power to any institution incorporated as a business enterprise, or to anyone in which any part of the assets or income can be divided among stockholders, or to any institution having lower requirements for admission or graduation than the minimum standard therefor established by the commission, or to any institution hereafter established as a college or university unless its productive endowment shall amount to at least \$100,000.
7. The commission shall not confer the degree-conferring power upon any

institution until such institution has applied therefor in writing, and accompanied the application with the sworn statement of the president and treasurer as to the amount of its productive endowment, the provision made for buildings, furniture, apparatus, and the requirements for admission and graduation.

8. The commission shall have the right, after having given reasonable notice, to withdraw the degree-conferring power from any institution upon which it has conferred it, whenever an institution fails to meet the conditions necessary to justify the granting of the power in the first instance.

9. The commission may require any institution to which it has granted the degree-conferring power, to report under oath to it, at such times as it may designate upon such matters as it deems necessary, to enable it to exercise intelligently the powers reposed in it. And the failure of an institution to report within a reasonable time and in a satisfactory manner, shall justify the commission in withdrawing from an institution, so offending, its degree-conferring power.

10. Any institution which exercises the degree-conferring power contrary to the provisions hereinbefore set forth, shall forfeit its right to exist as an educational institution, and it shall be the duty of the law officers of the state to wind up its affairs. And the members of a board of trustees so offending shall be individually liable to fine, or imprisonment, or both, according to the discretion of the court.

These recommendations are submitted in the belief that a law embodying them would be just and proper. They are made with full knowledge of the difficulty that would be encountered in any attempt that might be made to adopt a law of this kind. A reform so fundamental is not to be accomplished in a day. But in time it can be done. Meanwhile public opinion should be created favorable thereto. To that end let there be agitation and an exposure of the abuses that discredit American degrees at home and abroad.

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